

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

REAL CHANGE, a Washington non-profit  
corporation; SHARE, a Washington  
non-profit corporation; WHEEL, an  
unincorporated association;  
NICKELSVILLE, an unincorporated  
association; TIM HARRIS, an  
individual; JARVIS CAPUCION, an  
individual; and TRACEY DEGARMO, an  
individual;

Plaintiffs,

v.

THE CITY OF SEATTLE and SEATTLE  
PARKS AND RECREATION, a Washington  
Municipal corporation;  
CHRISTOPHER WILLIAMS, in his  
individual and official capacity;  
and, JEFF HODGES, in his individual  
and official capacity;

Defendants.

No. 2:12-cv-681

DECLARATION OF  
SCOTT MORROW

Scott Morrow, under penalty of perjury, declares as follows:

1. I was employed by SHARE as their Men's Organizer from 1990 to August 2009. Since  
August of 2009 SHARE has retained me as a Consultant. I am assigned by the

- 1 organization to work on various organizing campaigns, community efforts and with Tent  
2 City 3 and Tent City 4.
- 3 2. SHARE was originally a project of Catholic Community Services of Western Washington.  
4 Since 1993 SHARE has been an independent 501(c)(3) Non Profit Corporation whose goal  
5 is for homeless people to take the lead in surviving and solving homelessness.
- 6 3. SHARE presently operates 16 indoor shelters, storage lockers, a housing for work  
7 program, several other projects and, with their sister organization WHEEL, Tent City 3  
8 and Tent City 4. Over 500 homeless people survive homelessness nightly within this  
9 network, which is the largest in King County.
- 10 4. Since July of 2009 I have been the Staff Person for Nickelsville, a Project of Jam for  
11 Justice. Nickelsville is presently a homeless encampment of approximately 95 men,  
12 women, and children which is working to become an eco-village for hundreds of homeless  
13 people.
- 14 5. In conjunction with other organizations, both SHARE and Nicklesville are participating  
15 this spring in an effort we have called Occupy the Committee to End Homelessness in  
16 King County ("Occupy CEHKC").
- 17 6. On April 12, 2012, I learned from Tim Harris that our application could be granted except  
18 that overnight use (during hours of Westlake Park closure, from 10:00 pm-6:00 am) could  
19 not be allowed. We would also be charged a \$50 "first amendment fee" for the requested  
20 parks use and for use of electricity.
- 21 7. On April 12, 2012, the four groups submitted an appeal of the denial of our requested use  
22 of Westlake Park.
- 23 8. On April 16 both Tim Harris of Real Change and Jarvis Caputcion of the SHARE Board of  
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1 Directors informed me they had met with Chris Williams, Superintendent of Parks and  
2 Recreation for the City of Seattle. He had told them that we would not be allowed to  
3 engage in our planned encampment in Westlake Park. The City would consider allowing a  
4 handful of symbolic tents (3-4 tents) but no one could remain in or with them overnight,  
5 except that one person could remain in the park as “security.” Mr. Williams explained that  
6 this was because Occupy protesters had been arrested for remaining with tents in Westlake  
7 Park last fall and it was necessary for the City to maintain a consistent position on the  
8 issue.

9 9. Mr. Williams also reiterated that we would be charged the \$50 “First Amendment fee” for  
10 the requested parks use. When we pointed out that that fee was waived for the Downtown  
11 Seattle Association (DSA) holiday carousel, which ran for six weeks from November 2011  
12 through January 2012, Mr. Williams explained that that was because DSA was in  
13 partnership with the City of Seattle.

14 10. Mr. Williams statements were very disappointing to me and the organizations I work with.  
15 Westlake Park is at the core of the political message of Occupy CEHKC; it represents the  
16 “cleansing” of downtown of homeless and very poor people. Maintaining purely symbolic  
17 tents without people present engaged in continuous political assembly would fail to  
18 communicate the message that over 2,500 people in King County (according to the most  
19 recent “one night count”) are forced to sleep outside nightly; not symbolically, but  
20 actually.

21 11. At a 3 PM April 16th meeting of the four organizations constituting CEHKC it was agreed  
22 that if denied permission to remain assembled in Westlake Park overnight, participants  
23 would under protest move to another nearby location remain overnight in another public  
24

1 location.

2 12. SHARE, Nickelsville and myself all strongly advocate that if we cannot express ourselves  
3 in a Westlake Mall Campout, that the next best alternative are the sidewalks in front of  
4 Nordstrom's. This is because the Nordstrom Corporation and family has been at the  
5 forefront of 'cleansing' downtown of homeless people to advance their corporate interests.  
6 Blake Nordstrom, the President of the Nordstrom Corporation, also sits on the Governing  
7 Board of the CEHKC. In that position he has supported policies that benefit his  
8 Corporation and harm homeless people.

9 13. SHARE has had much experience sleeping on sidewalks, and that in this case it will be  
10 possible to do safely, although it would be safer to Sleep in Westlake Mall Park rather than  
11 on sidewalks very near drivers on 5th Avenue, 6th Avenue, and Pine. While our  
12 community insists that our voice and message be heard, we wish we could do it in the  
13 safest possible way - which would be in Westlake Mall Park.

14 14. The planned continuous assembly in Westlake has been widely advertised in the homeless  
15 communities I work with, and to our friends and supporters.

16 15. In my work with SHARE I have applied for Park Use Permits Applications on numerous  
17 occasions. Often these permits applications are initially returned to the organization with  
18 no written explanation as to why. Often SHARE has had to say that since there is no legal  
19 reason to deny a permit, we intend to exercise our Free Speech Rights anyway. Often this  
20 has resulted in last minute surprise issuance of permits.

21 16. For over 25 years I have handed out coffee several times a week in public places, usually  
22 Seattle Parks, in the early morning. This includes over 8 years in Westlake Mall Park.  
23 The bench which I sat on while handing out coffee has now been removed by the Parks  
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1 Department.

- 2 17. SHARE has publicly and in writing asked the City of Seattle to allow Safe Survival  
3 Encampments in Seattle Parks while the crisis of homelessness continues. That is because  
4 we are aware of over 318 homeless people dying outside, or by violence, since the  
5 beginning of the CEHKC 10 Year Plan to End Homelessness. Many of these people would  
6 be alive today if they had been allowed a Safe and Secure Haven in a Seattle Public Park.  
7 The Parks Department has not been helpful or supportive of these crucial initiative.
- 8 18. As organizations of poor people, we have few resources except our voices and time. My  
9 knowledge and experience have shown me that a Public Demonstration and Opportunity to  
10 Make our Case in Westlake Mall Park is a powerful and convincing opportunity to survive  
11 and solve homelessness. Handing out coffee in Westlake Mall for 8 years caused my  
12 conscience to be shocked every 'holiday season' by the eagerness of the Parks Department  
13 to promote the Conspicuous Consumption and smarmy sounds of a Christmas Carousel  
14 that supports the flocking of shoppers to downtown businesses whose profits have soared,  
15 in part due to their 'sanitizing' downtown Seattle of visibly poor and homeless people. It  
16 stays up for approximately a month every year, dominating Westlake Mall Park and  
17 displacing poor people who use it during the day. Why can't our community likewise  
18 express ourselves for just 24 hours there?
- 19 19. In 1992 or 1993 SHARE applied for a permit to use Westlake Mall Park for a Goodwill  
20 Gathering. Its purpose was to educate, inform and politicize the wider community about  
21 ways to solve homelessness. Following much verbal discussion and little written  
22 explanation, the Parks Department issued SHARE a permit for this activity. The activity  
23 including the erection of several large tents, which remained in use for several consecutive  
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1 days while the Permitted Use occurred.

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3  
4 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
5 knowledge, information and belief.  
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7 Signed this 18th day of April, 2012, at Seattle, Washington.

8 /S/Scott Morrow  
9 SCOTT MORROW  
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LAW OFFICE OF BRADEN PENCE PLLC  
1102 EIGHTH AVE., #714  
SEATTLE, WA 98101  
PHONE: (206) 551-1516